

UNCLASSIFIED

Department of State

INCOMING
TELEGRAM

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PAGE 01
ACTION 10-15

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INFO OCT-01 ARA-11 ADS-00 HA-05 AF-10 EA-10 EUR-12
NEA-05 AID-07 SR-04 RP-10 TRSE-00 SMS-01 OMB-01
CIAE-00 DOOE-00 NSAE-00 MSCE-00 SSO-00 ICAE-00
IHRE-00 PH-05 H-01 IIR-10 L-03 PA-01 SP-02 SS-15
OIC-02 OCT-02 EB-03 SY-05 /147 V

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FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 2182

INFO AMEMBASSY BUENOS AIRES

GENEVA 01975

E.O. 12065: GDS 2/7/86 (HELMAN, G. B.) OR-M
TAGS: UNHRC, SHUM, UM
SUBJECT: 36TH SESSION UNHRC: ARGENTINE POSITIONS

1. ENTIRE TEXT

2. USDEL LEARNED (TELCON RUSER-COHEN) OF RECENT GOA DEMARCHES TO INFLUENCE US POSITION ON 1503 COMMUNICATION AGAINST ARGENTINA (SEE REF A). CONTRARY TO ARGENTINE INFORMATION, THE WORKING GROUP HAS NOT YET FINISHED ITS WORK NOR ISSUED ITS REPORT. IT IS NOT SCHEDULED TO COMPLETE ITS WORK UNTIL THE WEEK OF FEBRUARY 18. THEREAFTER THE COMMISSION IS EXPECTED TO TAKE UP THE 1503 CASES. LIKE ARGENTINA, USDEL HAS HEARD RUMORS ABOUT SOME OF THE GROUP'S DECISIONS TO DATE BUT SINCE THEIR WORK IS NOT YET COMPLETED AND THEIR REPORT NOT ISSUED WE DO NOT TAKE THESE RUMORS AS FINAL. THE GOA IS CLEARLY EMBARKED ON A CAMPAIGN TO INFLUENCE THE WORKING GROUP PRIOR TO THE COMPLETION OF ITS REPORT AND ALSO TO INFLUENCE COMMISSION CONSIDERATION OF THE REPORT. USDEL CONSIDERS THIS INTERFERENCE WITH THE EFFECTIVE AND FAIR FUNCTIONING OF THE PROCEDURES, THE WORKING GROUP, AND THE FLEXIBILITY STATES SHOULD HAVE TO DECIDE ON THE MERITS OF THE CASE AFTER HEARING THE WORKING GROUP'S RECOMMENDATIONS.

3. IN FACT, ARGENTINA HAS BEEN QUITE BLATANT IN ITS POLITICKING IN THE HRC. THUS, THE GOA TO DATE HAS TAKEN POSITIONS OBSTRUCTING THE COMMISSION'S PROGRESS IN THE HUMAN RIGHTS FIELD. ARGENTINA WAS THE ONLY REPEAT ONLY LATIN AMERICAN STATE TO VOTE WITH THE SOVIET BLOC AND AGAINST THE WEST TO PREVENT THE COMMISSION FROM SENDING A TELEGRAM TO THE USSR ON THE SAKHAROV CASE (SEE REF B). THE VOTE WAS A VERY CLOSE ONE, 15 (SOVIET BLOC) TO 13 SO THAT THE ARGENTINE VOTE COUNTED. OTHER LATIN AMERICAN STATES EITHER JOINED THE WEST IN THE VOTE (COLOMBIA, COSTA RICA, URUGUAY) OR ABSTAINED (BRAZIL, PERU, PANAMA). MOST OF THE 15 WERE SOVIET ALLIES, DEMONSTRATING WHAT IS COMMONLY UNDERSTOOD AMONG HRC DELS TO REFLECT A DEAL COOKED BETWEEN ARGENTINA AND THE USSR TO PROVIDE MUTUAL SUPPORT. THE WEST DID SUCCEED HOWEVER IN ENSURING THAT THE COMMISSION WOULD TAKE UP THE SAKHAROV CASE PUBLICLY AT A LATER TIME UNDER ITEM 12 (THE SAME ITEM ARGENTINA WILL COME UNDER). FUTURE VOTES ON SAKHAROV, KAMPUCHEA, AFGHANISTAN AND IRAN WILL PROVIDE FUTURE TESTS OF ARGENTINA'S POSITION ON HUMAN RIGHTS GENERALLY.

4. THE ARGENTINE DELEGATION ALSO HAS DELAYED AND ULTIMATELY MAY BLOC PROGRESS ON CERTAIN PROVISIONS OF THE TORTURE CONVENTION. ANOTHER HIGH PRIORITY ITEM FOR THE US. ALTHOUGH THE WORKING GROUP ON THE CONVENTION AGAINST TORTURE HAS REACHED THE STAGE WHERE ADOPTION OF ALL ARTICLES EXCEPT PERHAPS THOSE ON AN IMPLEMENTATION MECHANISM IS POSSIBLE AT THIS HRC SESSION, THE ARGENTINE REPRESENTATIVE (WITH CUBAN HELP) OFTEN HAS SINGLEHANDEDLY

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DELAYED OR OBSTRUCTED THE PROGRESS OF THE WORKING GROUP. THIS COULD HOLD UP THE CONVENTION'S EARLY COMPLETION. THEIR USUAL TACTIC IS STUBBORN INSISTENCE ON ARGENTINE AMENDMENTS WHICH ARE OBVIOUSLY INCOMPATIBLE WITH CRIMINAL JUSTICE SYSTEMS OF MOST COUNTRIES REPRESENTED IN THE WORKING GROUP OR WHICH WEAKEN OR HARROW MODEL PROVISIONS IN THE HAGUE (AIRCRAFT HIJACKING), MONTREAL (AIRCRAFT SABOTAGE), NEW YORK (PROTECTION OF DIPLOMATS) AND HOSTAGES CONVENTIONS. SOVIET REPRESENTATIVE IN WORKING GROUP, INITIALLY COOPERATIVE NOW IS SHOWING SIGNS OF BEING ENCOURAGED BY ARGENTINE TACTICS TO BECOME OBSTRUCTIONIST, IN PARTICULAR BY PROPOSING EQUALLY UNACCEPTABLE "COMPROMISES" ON ARGENTINE AMENDMENTS.

5. IN SUMMARY, USDEL IS DISTURBED TO DATE BY ARGENTINE PERFORMANCE AT CHR ON HUMAN RIGHTS QUESTIONS AND BY ITS CLOSE ALLIANCE WITH THE USSR IN SUPPORT OF POSITIONS CLEARLY DETRIMENTAL TO US HUMAN RIGHTS EFFORTS AND OBJECTIVES. THESE POINTS CERTAINLY SHOULD BE RAISED IN ANY FUTURE DEMARCHES THE GOA SHOULD MAKE TO USG ABOUT OUR POSITIONS. FYI. IN CONVERSATIONS BETWEEN USREP SHESTACK AND COLOMBIA AND COSTA RICAN REPS, VIEW EXPRESSED THAT WEAKENING OF US POSITION ON ARGENTINA WOULD BE SEEN AS DEFECTION FROM US COMMITMENT TO HUMAN RIGHTS.

6. CONVERSATIONS OF HELMAN AND SHESTACK WITH ARGENTINE PERM REP AND HRC REP WILL BE REPORTED SEPTEL. HELMAN

P.F.
Argentina

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

(X) Release () Excise () Deny

Exemption(s):

Declassify: () In Part (X) In Full

() Classify as () Extend as () Downgrade to

Date Declassify on Reason

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